

Remarks

Claims 2, 4-9, 24-30 and 32-35 have been cancelled. Claims 1, 3, 15, 20 and 23 are currently amended. After entry of this amendment, claims 1, 3, 10-23 and 31 will be pending.

I. Restriction Requirement

Claims 32-34, which were submitted as new claims in the Supplemental Response dated May 23, 2004, were alleged by the Examiner to be directed to an invention that is independent and distinct from the invention originally claimed. Claims 32-34 have been cancelled, so this objection is mooted.

II. Claim Rejection - 35 U.S.C. § 112, First Paragraph

Claim 35 was rejected under the first paragraph of 35 U.S.C. § 112 as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the Applicant, at the time the application was filed, had possession of the claimed invention. Claim 35 has been cancelled, so this rejection is mooted.

III. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 1-3, 10-22 and 35 were rejected under the second paragraph of 35 U.S.C. § 112 as allegedly failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Claims 2 and 35 have been cancelled. As suggested by the Examiner, claim 1 has been amended to delete the phrase “on a tire carcass.” With this amendment, claim 1 and its remaining dependent claims, claims 3 and 10-22, fully satisfy 35 U.S.C. § 112. Withdrawal of the rejection is requested.

IV. Claim Objection - 37 C.F.R. § 1.75(c)

Claim 20 was objected to under 37 C.F.R. § 1.75(c) as allegedly failing to further limit the subject matter of a previous claim. The phrase “the tear depth being substantially smaller than a slit depth, or the tear depth is at least .5 mm and at most 1.5 mm, or at most 1.0 mm” was

changed to “the tear depth being at most 1.5 mm.” By this amendment, the language alleged to be broadening has been removed. By reciting a maximum tear depth, claim 20 as amended limits the subject matter of claim 1.

V. Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 10-24, 31 and 35 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over JP 7-40710 in view of U.S. Pat. No. 6,382,283 and, optionally, JP 8-244418. While Applicant disagrees with the Examiner’s conclusion, claims 1 and 23 have been amended to recite the combination of features that was described in the pending Office action as allowable subject matter.

Specifically, claims 1 and 23 were amended to include the features of claim 2, to recite that “the row of interlaced slits is inclined with respect to a circumferential direction” and to recite that the “webs [are] located between an end of at least a first adjacent slit and an intermediate section of at least a second adjacent slit.” Claim 15 was amended to account for antecedent basis introduced by the amendments to claim 1. Claim 3 was amended to depend from claim 1.

Claims 3 and 10-22 depend from claim 1 and are allowable in view of the amendments to claim 1. Claim 31 depends from claim 23 and is allowable in view of the amendments to claim 23. Claims 2, 24 and 35 have been cancelled.

VI. Cancelled Claims

Claims 2, 4-9, 24-30 and 32-35 are cancelled for economic reasons and to expedite prosecution without prejudice or disclaimer. Applicant reserves all rights to pursue these and similar claims in separate related applications.


VII. Conclusion

Applicant submits that the all the claims now in the application define over the prior art, are neither anticipated nor made obvious by the prior art, and should be allowable. If any further

details remain to be addressed, the Examiner is invited to contact Applicant's representative by telephone at the number listed below.

Respectfully submitted,

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